

to comply with a bulk collection order. Around the Nation, the court of appeal's ruling is the law of the land, or should be given that respect, and it will be unclear around the land and throughout this country what kind of order, in fact, is demanding of them. The result is likely to be legal uncertainty that will last long after Congress decides to act.

The only way to avoid endless litigation is to pass legislation that specifies what section 215 allows, what it does not allow, and the only proposal that does that task is the USA FREEDOM Act.

I continue to believe that one of the central core provisions of the USA FREEDOM Act is that it requires transparency and the adversarial process, containing reforms that I proposed to make sure that this FISA Court is no longer a secret tribunal considering arguments in secret and issuing secret opinions—exactly the kind of court that prompted our rebellion from England. When it operates and when it hears arguments, it should hear both sides—it should hear from an adversary to the government that offers a different point of view. Courts make better decisions when they hear both sides of the argument. That is why I proposed from the start a constitutional advocate who will make arguments against the government without compromising the need for timely warrants and other surveillance and without in any way reducing the secrecy of this court where it is appropriate.

I hope this body reaches a result that includes the USA FREEDOM Act. I hope we pass it. I urge my colleagues to join in supporting it.

I yield the floor.

I suggest the absence of a quorum.

Mr. President, I withdraw my observation about the absence of a quorum.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m.

Thereupon, the Senate at 1:07 p.m., recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Mr. PERDUE).

ENSURING TAX EXEMPT ORGANIZATIONS THE RIGHT TO APPEAL ACT—Continued

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I suggest the absence of a quorum.

Mr. LEAHY. Will the Senator withhold?

Mr. WHITEHOUSE. I withhold.

The PRESIDING OFFICER. The Senator from Vermont.

USA FREEDOM ACT

Mr. LEAHY. Mr. President, I have been having a lot of people ask me where we are on the USA Freedom Act of 2015, and we actually have a very in-

teresting, easy choice: We can either pass the bipartisan bill the House of Representatives passed with a majority of Republicans and a majority of Democrats voting for it, or we can let the expiring provisions of the USA PATRIOT Act sunset at the end of the month. Some may prefer that. I think the House made a number of improvements which protect our freedoms and protect our security, and that is what we ought to pass.

Some people have talked about short-term extensions. Well, we could have a 2-day extension or we could have a 5,000-year extension; we would be extending something that doesn't exist. The fact is that the House gave us the USA FREEDOM Act in plenty of time to act upon it, to amend it if we wanted to, to send it back and go to a conference. But now the House has adjourned and gone on recess. If we don't vote for their bill, we will end up at the end of the month with nothing. There will be nothing to extend. We could feel good about passing an extension, but we can't extend something that is dead.

I have worked for more than two years with Members of Congress from both parties and in both Chambers to develop the USA FREEDOM Act of 2015. It is a commonsense, balanced reform bill that protects Americans' privacy, while also ensuring our national security.

The bill doesn't go nearly as far as the bill I first introduced in October of 2013 with Congressman SENSENBRENNER. It doesn't go as far as the USA FREEDOM Act that was filibustered last November by Senator MCCONNELL and others. At that time, the incoming majority leader wanted to wait and see how it would be with a Republican majority and was able to rally his Members to delay reform. But we shouldn't delay it any further. Americans deserve to have their privacy restored and their national security protected. There should be no more excuses.

In the bill Senator LEE and I have introduced and supported, the USA FREEDOM Act of 2015—it has not just our support, it has the administration's support, it has the support of the Director of National Intelligence, the Attorney General, the FBI Director, a supermajority of the House of Representatives, the technology industry, privacy and civil liberties groups, librarians, and the NRA. I mean, when are we ever going to find all these groups coming together? Well, they came together because they know the USA FREEDOM Act is a good bill, and the support for our bill continues to grow.

Just yesterday, national security experts at the conservative Heritage Foundation concluded that the USA FREEDOM Act "strikes a balance between maintaining our national security capabilities and protecting privacy and civil liberties." Why? Because it is a reasonable and responsible bill. When

we get the civil liberties groups, the NRA, the Heritage Foundation and privacy groups together, we have something.

I have been here 41 years. I have seen very few pieces of legislation where these diverse groups come together, and they did because the USA FREEDOM Act is a responsible and reasonable bill. But even if they hadn't come together, it is the only option left for any Senator who wants to avoid a sunset of the surveillance authorities at midnight on May 31. We won't be in session. The other body won't be in session. The one thing that will happen is our current authorities will sunset. They will go away. Wow. Can't you hear the cheers from some of our enemies?

Last year when the current Senate majority leader led the filibuster of the USA FREEDOM Act, we were told that the Senate needed more time to consider the issue and that the new Senate would take up the matter under new leadership. All right. We have known the sunsets were coming for years. That is why I brought up the bill last year. There has been nothing done on this urgent matter this year—no public hearings and no committee markups, unlike the six public hearings I held in the Judiciary Committee last year.

In contrast, the House leadership has acted responsibly and decisively. They moved the USA FREEDOM Act of 2015 through the Judiciary Committee and passed this bipartisan bill overwhelmingly.

We had significant debate on this issue this week. I have heard Senators across the political spectrum who have spoken at length on the Senate floor about their views. Most of these Senators have urged us to reform the government's bulk collection program—which is, of course, the same way the vast majority of Americans feel. But there have also been voices urging more surveillance. We have heard the familiar fear-mongering and demands for a data-retention mandate on the private telecom companies. Well, I disagree with those Senators who voiced that perspective, but they have at least been heard.

Unfortunately, the clock has been running. The House worked very hard, they completed their work, and they left. They are not coming back until after the surveillance authorities are set to expire. And the House leadership has made clear that they will not pass an extension. Even if they were in session and we passed an extension, they made it very clear to Republican and Democratic leadership that they will not take it up.

So here is the choice. It is a very simple one. We can let the three provisions at issue expire—some may like that; frankly, I don't—or we can pass the bipartisan and bicameral USA FREEDOM Act of 2015.

We all know that the NSA has for years been using section 215 of the USA PATRIOT Act to sweep up phone